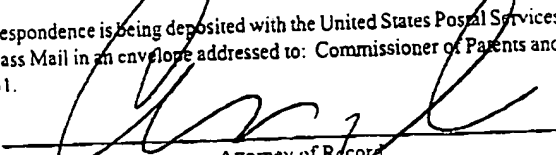


#9
PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Services on the date set forth below as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.
Date of Signature 2 1999 
and Deposit: December 2 1999
Attorney of Records

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James A. Thomson
Serial No.: 09/106,390
Filed: June 26, 1998
Title: PRIMATE EMBRYONIC STEM CELLS
Art Unit: 1633
Examiner: Deborah Clark

DECLARATION OF JAMES A. THOMSON

The undersigned declares that:

1. I am the named inventor of the above-described patent application and the primary author on the attached Exhibit A article.

2. I have been asked by attorney Carl R. Schwartz to review the September 24, 1999 Office Action in the above-identified case and comment on the Office Action's rejection of the claims as "containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains . . . to make and/or use the invention." I believe that the claims of the above-identified application are fully enabled in the application. Specifically, I understand that the September 24, 1999 Office Action in the above-described case questioned whether the techniques described and claimed in the above-identified application would be successful when

applied to human cells. As can be seen from the attached Exhibit A article, the techniques already have been successfully applied to human cells.

3. The attached Exhibit A accurately describes my experiments and those of others acting pursuant to my instructions. These experiments confirm that the invention of the above-described application ^{is} ~~are~~ JT successful in connection with human cells. Note that the techniques used to derive the human cells as described in Exhibit A were closely based on the primate teachings disclosed in the above-identified application.

The undersigned declares further that all statements made herein based on personal knowledge of the undersigned are true, that all statements made herein based on information from third parties are believed to be true, and further that all these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 U.S.C., and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

Dated: 8/17/1, 1999


James A. Thomson

MKE\4444896.01